

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

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|------------------------------|---|----------------------|
| JACK EDWARDS, | : | |
| | : | |
| Plaintiff | : | |
| | : | |
| v. | : | CIVIL NO. 3:CV-16-45 |
| | : | |
| WARDEN J. E. THOMAS, ET AL., | : | (Judge Conaboy) |
| | : | |
| Defendants | : | |

MEMORANDUM
Background

Jack Edwards initiated this pro se civil rights action while confined at the Benner State Correctional Institution, Bellefonte, Pennsylvania (SCI-Benner). By Memorandum and Order dated February 7, 2017, Defendants' motion to dismiss was partially granted. Dismissal was granted in favor of Defendants Wetzel, Rand, Ferguson, Brickell, and Becker-Bachic. See Doc. 19.

Remaining Defendants are Pennsylvania Department of Corrections (DOC) Director of Religious Accommodations Shawn Kephart and two SCI-Benner officials, Chaplain Matthew McCoy and Chief of Food Services Marcia Noles.

By letter docketed February 15, 2017, Edwards notified this Court that he was no longer in prison and residing in Philadelphia, Pennsylvania. See Doc. 20.

On June 18, 2018, the Remaining Defendants filed a motion to dismiss for failure to prosecute. See Doc. 26. According to the motion, counsel for the Remaining Defendants wrote to the Plaintiff at his last known address on April 23, 2018. The letter was returned as undeliverable with a notation "return to sender, vacant, unable to forward." See Doc. 27-2. A review of the docket indicates that Plaintiff has not made any filings in this matter since submitting his change of address.

Discussion

A copy of this Court's Standing Practice Order was mailed to Plaintiff on June 5, 2013. See Doc. 17. The Standing Practice Order provides in relevant part as follows:

A *pro se* plaintiff has the affirmative obligation to keep the court informed of his or her current address. If the plaintiff changes his or her address while this lawsuit is being litigated, the plaintiff shall immediately inform the court of the change, in writing. If the court is unable to communicate with the plaintiff because the plaintiff has failed to notify the court of his or her address the plaintiff will be deemed to have abandoned the lawsuit.

Id., p. 6.

M.D. Pa. Local Rule 83.18 similarly provides that a pro se litigant has an affirmative obligation to keep the court informed of his or her address and must immediately inform the court if his or her address changes in the course of the litigation.

When a plaintiff fails to prosecute a case or comply with an order of court, dismissal of his action is appropriate. See Federal Rule of Civil Procedure 41(b); Link v. Wabash Railroad Co., 370 U.S. 626, 629 (1962). Although Edwards has apparently

relocated, he has not provided the Court or opposing counsel with his current address. Consequently, he has clearly failed to comply with the requirements of Local Rule 83.18.

In addition, Edwards has not made any filings whatsoever in this matter since February, 2017. Based upon those circumstances, it appears that Plaintiff is no longer interested in pursuing his surviving claims against the the Remaining Defendants.

Moreover, Edwards' failure has prevented this matter from proceeding. The inability of this Court to communicate with Plaintiff is solely the result of his own inaction and renders ineffective any sanction short of dismissal of the action. See Poulis v. State Farm, 747 F. 2d 863 (3d Cir. 1984). Since Plaintiff's present whereabouts are unknown, it would be a waste of judicial resources to allow this action to continue.

Based on the present circumstances, granting the request for dismissal of this action for failure to prosecute is warranted. However, dismissal will be entered without prejudice. In the event that Edwards provides this Court with his current address within a reasonable time period, this determination will be reconsidered. An appropriate Order will enter.

S/Richard P. Conaboy
Richard P. Conaboy
United States District Judge

DATED: JULY 3, 2018